



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 15, 2022

BY ECF

Hon. Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. Customs and Border Protection et al.*, 21 Civ. 10430 (ER)

Dear Judge Ramos:

This Office represents the defendant agencies in the above-referenced action brought under the Freedom of Information Act. Pursuant to the Court's order, I write respectfully to provide the Court with an updated status report regarding the agencies' outstanding searches and productions in this case, some of which have been delayed from the agencies' original estimates.

Customs and Border Protection: made productions on July 21, August 31, and October 14, and has completed its productions based on its initial searches; CBP conducted additional searches, in part due to leads developed based on its review of the records it initially located, and has located some responsive videos, which it is currently reviewing; it intends to release these by mid-January.

Federal Bureau of Investigation: produced one document on June 21 and has since completed its searches; FBI made its first monthly production on November 15 (which consisted of records withheld in full),¹ and another production expected this week. The remaining records are videos, which the FBI will begin to process, and for which it expects to have an update by mid-January.

U.S. Marshals Service: made productions on July 15 and October 24, and expects to make a further production this week; while USMS previously indicated that its December production would be its last, it now anticipates making a final production in January.

¹ The Government's previous letter erroneously indicated that FBI had reviewed 500 pages of responsive records for its November 15 production, but in fact it reviewed only 68 pages for that production.

The parties will make their next monthly status report on January 17, 2023. We thank the Court for its consideration of this matter.

Respectfully,

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